

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 1, 2013

No. 11-10338

NAIEL NASSAR, MD,

v.

UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER

Plaintiff-Appellee Cross-Appellant

CLERK, U.S. DISTRICT COURT

By _____

AUG - 7 2013

Defendant-Appellant Cross-
Appellee

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 3:08-CV-1337

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before REAVLEY, ELROD, and HAYNES, Circuit Judges.

PER CURIAM:*

A jury previously found in favor of Plaintiff Dr. Naiel Nassar on claims brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, for constructive discharge and retaliation. This court vacated in part and affirmed in part the district court's judgment, and we remanded for a recalculation of damages. We rejected the Defendant's argument that the

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 11-10338

district court erroneously instructed the jury on a mixed-motive theory of retaliation.

The Supreme Court granted certiorari, vacated, and remanded this case for further consideration because Title VII retaliation claims must be proved according to principles of but-for causation rather than the mixed-motive test. We therefore VACATE the district court's judgment in its entirety and REMAND for further proceedings consistent with the opinion of the Supreme Court.

A true copy

Attest:

Clerk, U. S. Court of Appeals, Fifth Circuit

By James R. Chedonne

Deputy
New Orleans, Louisiana

AUG 01 2013

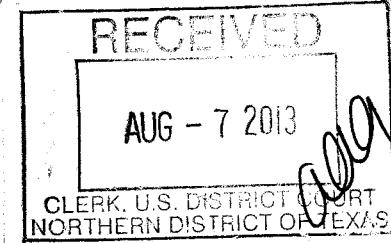
United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

August 01, 2013

Ms. Karen S. Mitchell
Northern District of Texas, Dallas
United States District Court
1100 Commerce Street
Earle Cabell Federal Building
Room 1452
Dallas, TX 75242



No. 11-10338, Naiel Nassar v. Univ TX Southwestern
Hlth Sys
USDC No. 3:08-CV-1337

Dear Ms. Mitchell:

We are enclosing a copy of an opinion-order on remand from the United States Supreme Court. This opinion is issued as the mandate.

We are not forwarding the record on appeal as it is an electronic copy.

Sincerely,

LYLE W. CAYCE, Clerk

By: Jamei R. Cheramie
Jamei R. Cheramie, Deputy Clerk
504-310-7800

Enclosure(s)

cc: Ms. Myrna Salinas Baumann
Honorable Jane J. Boyle
Mr. Lars Hagen
Mr. Michael Wayne Johnston
Mr. Daryl Langdon Joseffer
Mr. Brian Patrick Lauten